

10/508848

Rec'd PCT/PTO 24 SEP 2004

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP 03/03453A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 G01N33/68

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, BIOSIS, MEDLINE, SCISEARCH, EMBASE, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WEIG H-J ET AL: "ADENOVIRAL OVEREXPRESSION OF P35 PRESERVES CONTRACTILITY IN PACING INDUCED HEART FAILURE IN VIVO" CIRCULATION, AMERICAN HEART ASSOCIATION, DALLAS, TX, US, vol. 102, no. 18, SUPPL, 31 October 2000 (2000-10-31), page II165 XP001024161 ISSN: 0009-7322 the whole document --- -/--	1-21

☒ Further documents are listed in the continuation of box C.☐ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\* &amp; \* document member of the same patent family

Date of the actual completion of the international search

1 August 2003

Date of mailing of the international search report

02/09/2003

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP 03/03453

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	COMMUNAL CATHERINE ET AL: "Functional consequences of apoptosis in cardiac myocytes: Myofibrillar proteins are targets for caspase-3." CIRCULATION, vol. 104, no. 17 Supplement, 23 October 2001 (2001-10-23), page II.162 XP001117671 Scientific Sessions 2001 of the American Heart Association; Anaheim, California, USA; November 11-14, 2001, October 23, 2001 ISSN: 0009-7322 the whole document	1-21
A	LAUGWITZ KARL-LUDWIG ET AL: "Blocking caspase-activated apoptosis improves contractility in failing myocardium." HUMAN GENE THERAPY, vol. 12, no. 17, 20 November 2001 (2001-11-20), pages 2051-2063, XP001117410 ISSN: 1043-0342 cited in the application page 2051 -page 2052	1-21
T	MORETTI, A. ET AL: "Essential myosin light chain as a target for caspase-3 in failing myocardium" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA, vol. 99, no. 18, 3 September 2002 (2002-09-03), pages 11860-11865, XP001106596 USA the whole document	1-21

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 22-27

Present claims 22-25 relate to an extremely large number of possible compounds. Support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT is not to be found, however, for the compounds claimed. In the present case, the claims are so unclear, so lack support, and the application so lacks disclosure, that a meaningful search over the claimed scope is impossible.

Present claims 26 and 27 relate to products defined by reference to a desirable characteristic or property, namely the binding to the cleavage site of vMLC1.

The claims cover all products having this characteristic or property, whereas the application provides no support within the meaning of Article 6 PCT and no disclosure within the meaning of Article 5 PCT for such compounds.

Independent of the above reasoning, claims 26 and 27 also lack clarity (Article 6 PCT). An attempt is made to define the product by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the claimed scope impossible.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/EP 03/03453

## Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 15 and 16 are directed to a screening method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 22-27  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.